

# **In the Supreme Court of the United States**

**OCTOBER TERM, 1963**

---

**No. 719**

**ALL STATES FREIGHT, INC., ET AL., APPELLANTS**

**v.**

**THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD  
COMPANY (RICHARD JOYCE SMITH, WILLIAM J.  
KIRK, AND HENRY W. DORIGAN, TRUSTEES), ET AL.**

---

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF CONNECTICUT**

---

## **MEMORANDUM FOR THE INTERSTATE COMMERCE COMMISSION AND THE UNITED STATES**

---

This case presents an appeal by defendants in intervention from a final judgment of the United States District Court for the District of Connecticut annulling an order of the Interstate Commerce Commission which required the cancellation of certain all-commodity rail rates for mixed or straight carload shipments from New England to certain points in the Middle West.

The Commission believes that the district court's decision was based on an erroneous interpretation of Section 1(6) of the Interstate Commerce Act and

of the National Transportation Policy. However, the Commission entertained some doubt as to the adequacy of its findings in relation to matters relied upon by the district court and therefore, rather than note an appeal to this Court, it voted to reopen the proceedings for further consideration and hearing. The United States likewise thought an appeal inappropriate in the circumstances.

This memorandum is submitted to advise the Court of the reasons the Commission and the United States did not appeal and of the fact that by an order dated November 13, 1963, the Commission has reopened the proceedings.

Respectfully submitted.

ARCHIBALD COX,  
*Solicitor General.*

ROBERT W. GINNANE,  
*General Counsel,*  
*Interstate Commerce Commission.*

JANUARY 1964.